

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSE CARRANZA-GOMEZ,

Plaintiff,

v.

10 JEFFREY UTTECHT, LT. JOHN DOE
HANARATTY, C/O MARIA FERNANDEZ,
11 C/O JOHN DOE CRUZ and J.L. FLUETT.

Defendants.

NO. 4:17-cv-05024-EFS

**ORDER DENYING MOTION FOR
RECONSIDERATION**

JEFFREY UTTECHT, LT. JOHN DOE
HANARATTY, C/O MARIA FERNANDEZ,
C/O JOHN DOE CRUZ and J.L. FLUETT.

12 Defendants.
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14 Before the Court is Plaintiff's "Objections to the Denial of an
15 Attorney and Mootness Claims by this Court for 'Abuse of Discretion,'"
16 which was construed by the Clerk of Court as a Motion for
17 Reconsideration, ECF No. 18, and noted for hearing on September 22,
18 2017. It was considered without oral argument on the date signed
19 below.

20 An order that resolves fewer than all the claims among the
21 parties – that is, a non-final order – “may be revised at any time
22 before the entry of judgment adjudicating all the claims and all the
23 parties’ rights and liabilities.” Fed. R. Civ. P. 54(b). Where
24 reconsideration of a non-final order is sought, the court has
25 “inherent jurisdiction to modify it, alter or revoke it.” *United
26 States v. Martin*, 226 F.3d 1042, 1049 (9th Cir. 2000); see *Am. Canoe*

1 Ass'n v. Murphy Farms, Inc., 326 F.3d 505, 514-15 (9th Cir. 2003)
2 (noting that motions for reconsideration of non-final orders are not
3 subject to the strict standards applicable to motions for
4 reconsideration of final judgment).

5 Plaintiff's request for reconsideration is denied. As Plaintiff
6 acknowledges, there is no constitutional right to appointment of
7 counsel in civil cases. *Johnson v. Dep't of Treasury*, 939 F.2d 820,
8 824 (9th Cir. 1991). Plaintiff asserts he has a language barrier that
9 hinders his ability to litigate and should constitute an "exceptional
10 circumstance" warranting the appointment of counsel. He also claims to
11 be developmentally disabled. Nevertheless, he has demonstrated a
12 reasonable ability to submit documents to this Court expressing his
13 claims.

14 The Court has provided Plaintiff with relevant legal standards
15 and directed Plaintiff how to present a legally sufficient complaint
16 in the Second Order to Amend or Voluntarily Dismiss, ECF No. 19.
17 Accordingly, the record does not reflect exceptional circumstances
18 that warrant the appointment of counsel. Therefore, Plaintiff's
19 construed motion for reconsideration, ECF No. 18, is **DENIED**.

20 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this
21 Order and provide a copy to Plaintiff.

22 **DATED** this 1st day of November 2017.

23
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S/Edward F. Shea
EDWARD F. SHEA
25 Senior United States District Judge
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